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OFFICE OF PETITIONS

In re Patent No. 6,965,026
Michael J. Zaworotko et al.
Issue Date: November 15, 2005
Application No. 10/083,781
Filed: February 25, 2002
Atty Docket No. USF-104XC1

: LETTER REGARDING
: PATENT TERM ADJUSTMENT
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This is in response to the "COMMUNICATION", filed November 9, 2005, pursuant to patentees' duty of candor and good faith to the Office. Patentee states that the 342 days of patent term adjustment as indicated on the Issue Notification for the above-captioned application is incorrect.

The request for reconsideration of the patent term adjustment indicated on the patent is **DISMISSED**.

On November 15, 2005, the application matured into U.S. Patent No. 6,965,026, with a revised patent term adjustment of 342 days. While this communication was filed prior to the issuance of the patent and on the belief that the patent would be issued with an incorrect number of PTA days, no basis for entitlement to PTA days other than 342 has been provided.

A review of the application history reveals that the patent term adjustment of 342 days indicated on the Issue Notification and on the patent is correct. The 342 days of PTA was calculated as follows: After the initial determination of 292 days Patent Term Adjustment under 35 U.S.C. 154(b), 50 days were accorded for PTO delay in issuing the Patent on November 15, 2005, more than four months from the payment of the issue fee on May 26, 2005.

The application history reveals no further bases for adjustment or reduction of the term of the patent issuing from the above-identified application. Patentee has not stated the basis for his assertion that the PTA should be other than 342 days.

In view thereof, it is concluded that the patent correctly issued with a revised patent term adjustment of 342 days.

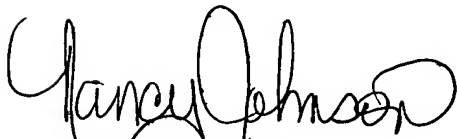
As this letter was submitted as an advisement to the Office of an error in Patentee's favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks patentee for their good faith and candor in bringing this to the attention of the Office.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By fax: (571) 273-8300
 ATTN: Office of Petitions

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Patricia Faison-Ball, at (571) 272-3212.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with the first name "Nancy" being more prominent than the last name "Johnson".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions